

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Wednesday, May 14, 2003 – 9:00 a.m. – Room 416 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. David Ure, House Chair  
Sen. Mike Dmitrich  
Sen. Ed Mayne  
Sen. Michael G. Waddoups  
Rep. Judy A. Buffmire  
Rep. James R. Gowans  
Rep. Merlynn T. Newbold  
Speaker Martin R. Stephens

**Members Absent:**

President Al Mansell

**Staff Present:**

Mr. Arthur L. Hunsaker, Research Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Cassandra N. Bauman, Legislative Secretary

**Note:** A list of others present, a copy of materials, and an audio recording of the proceedings can be found on the Legislature's website, <http://le.utah.gov>, or by contacting the committee secretary at 538-1032.

**1. Committee Business**

Chair Ure called the meeting to order at 9:14 a.m. President Mansell was excused from the meeting.

**MOTION:** Sen. Mayne moved to approve the minutes of the April 22, 2003 meeting. The motion passed unanimously with Sen. Stephenson, Rep. Newbold, and Speaker Stephens absent for the vote.

**2. Implementation by Rule of SB 154, Public Education Amendments (2003 General Session)**

Chair Ure introduced the issue.

Ms. Carol Lear, Legal Counsel, USOE (Utah State Office of Education), indicated that the USOE is working on a number of rules that were required after the last general session and that there are no specifics regarding the implementation of SB 154 at this time. She stated that any concerns the Committee may have will be taken into consideration when the rule is written. She responded to questions.

Mr. Steve Lang, Superintendent, USOE, explained that there are a number of issues which the USOE considers when writing rules. He responded to questions.

Committee discussion followed.

**3. Staff Report: R590-209 Court Ordered Health Insurance Coverage for Dependents**

Chair Ure introduced the issue.

Ms. Allred distributed "When Rulemaking Is Required" and reviewed the statutory requirements of the rulemaking process. She indicated that as the committee directed, she and Mr. Hunsaker met with representatives of the Insurance Department and the Utah Health Insurance Association and had reviewed the statutory history of the current law regarding health insurance for children of divorce. Ms.

Allred said her review of the current law and the rule led her to determine that the rule exceeds the scope authorized by the statute.

Mr. John E. Braun, Assistant Insurance Commissioner, Insurance Department, indicated that the Department did not realize there was a problem until questions arose about a year ago. Insurance providers differed in their interpretation of their responsibility to provide coverage for children of divorce when an in-state policy holder's child lives out of state and needs regular medical care out of state, not just emergency care coverage provided when a person covered by the policy goes outside the state. He indicated that these questions led the Department to write the rule.

Mr. Kelly Atkinson, Executive Director, Utah Health Insurance Association, explained the confusion with the language and implementation of the rule compared to the language and intent of the statute.

Committee discussion followed.

**MOTION:** Sen. Stephenson moved to place the rule, R590-209, on the sunset list for the 2004 General Session.

Sen. Stephenson amended his motion to include direction to staff to write a letter to the Health and Human Services Interim Committee to prioritize this item for study during the current interim.

The motion passed unanimously with Speaker Stephens absent for the vote.

#### **4. Other Items / Adjourn**

**MOTION:** Sen. Waddoups moved to adjourn the meeting. The motion passed unanimously.

Chair Ure adjourned the meeting at 10:59 a.m.